

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

RICHARD LEE MORGAN, #585789 §
V. § CIVIL ACTION NO. G-03-993
CORRECTIONAL OFFICER WEAVER §

PARTIAL ORDER OF DISMISSAL

Before the Court for its Order of Acceptance is a Report and Recommendation of the United States Magistrate Judge, entered on November 9, 2005, to which no objections have been filed.

Upon appropriate review pursuant to Rule 72 of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1)(C), the Court is satisfied that there is no clear error on the face of the record in these proceedings. Accordingly, the Report and Recommendation is **ACCEPTED** in its entirety and incorporated herein by reference.

With respect to claims for monetary damages against Defendant in his official capacity, it is
ORDERED that Defendant's Motion to Dismiss is **GRANTED**.

It is further **ORDERED** that Defendant's Motion to Dismiss is **DENIED** as to the failure to protect claim.

This matter shall be returned to the Magistrate Judge for further proceedings.

DONE at Galveston, Texas, this the 16th day of December, 2005.

Samuel B. Kent
Samuel B. Kent
United States District Judge